

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**CESAR SANCHEZ, individually and on behalf of all others similarly situated,** §  
Plaintiffs, §  
§  
v. § Civil Action No. 3:23-cv-540-L-BN  
**600 NORTH AKARD LLC D/B/A DAKOTA'S STEAKHOUSE,** §  
Defendants. §

**ORDER**

The Findings, Conclusions and Recommendation of the United States Magistrate Judge David Horan (“Report”) (Doc. 38) was entered on December 26, 2023, recommending that the court grant the parties’ Joint Motion for Certification of a Collective Action and the Issuance of Court-Authorized Notice (“Joint Motion”) (Doc. 39), and sign and enter their agreed to proposed order. The parties did not file objections to the Report and the deadline to do so has expired. Having considered the Report, Joint Motion, file, record, and relevant law, the court determines that the magistrate judge’s finding and conclusions in the Report are correct and **accepts** them as those of the court, except as herein modified.

Accordingly, pursuant to the parties’ agreement, the court **grants** the parties’ Joint Motion and conditionally certifies this as a collective action pursuant to 29 U.S.C. § 216(b), consisting of two groups of employees (“Collective Members”) defined as:

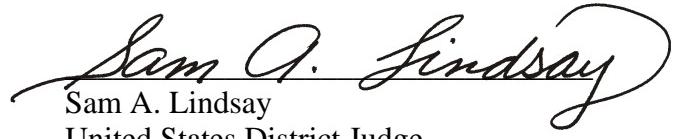
**Server Collective Members.** All current and former employees who worked at least one shift as a server (that is, waiter or waitress) at Dakota’s Steakhouse since September 1, 2021, through the present and were paid a direct cash wage of less than minimum wage.

**Bartender Collective Members.** All current and former employees who worked at least one shift as a bartender at Dakota's Steakhouse since September 1, 2021, through the present and were paid a direct cash wage of less than minimum wage.

Further, the court approves the notices attached as Exhibits 1-3 to the parties' Joint Motion and **orders** notice to be disseminated in accordance with the following schedule:

<b>On or before February 29, 2024</b>	Defendants shall provide to Plaintiffs' Counsel in Excel (.xlsx) format the following information regarding all Collective Members: full name; last known mailing address(es) with city, state, and Zip Code; all known telephone number(s), email address(es); job title(s), and beginning date of employment and ending date of employment (if applicable).
<b>On or before February 23, 2024</b>	Plaintiffs' Counsel shall send the Court-approved Notice and Consent Form ( <b>Exhibit 1</b> ) to the Collective Members by First Class U.S. Mail; Plaintiffs' Counsel shall also send the Court-approved Notice ( <b>Exhibit 2</b> ) via e-mail
<b>Within 3 days of the initial mailing and e-mailing of the initial notices to Collective Members</b>	Plaintiffs' Counsel shall file an Advisory with the Court indicating the date of transmitting the initial Notices of Collective Action.
<b>No sooner than 30 days after mailing and e-mailing the first notice to the Collective Members</b>	Plaintiffs' Counsel shall send reminder notice to Collective Members by sending <b>Exhibit 3</b> via First Class U.S. Mail and resending <b>Exhibit 2</b> via e-mail.
<b>60 days from the initial mailing and e-mailing of the initial notices to Collective Members</b>	The Putative Collective Members shall have 60 days to return their signed Consent forms to Plaintiffs' Counsel for filing with the Court (the "Notice Period").
<b>No later than 15 days after the close of the Notice Period</b>	Plaintiffs' Counsel shall file with the Court all signed Consents.

**It is so ordered** this 30th day of January, 2024.



Sam A. Lindsay  
United States District Judge